

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Kim Nguyen **FILE #** 09-511-754
 2. **APPLICANT:** Kim Nguyen **HEARING DATE:** December 29, 2009
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
 4. **LOCATION:** 1784 Lafond Ave, between Wheeler & Fairview
 5. **PIN & LEGAL DESCRIPTION:** 332923120202; FOREST LAWN ADDITION TO ST. PAUL LOT 6 BLK 6
 6. **PLANNING DISTRICT:** 11
 7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** R4
 8. **STAFF REPORT DATE:** December 22, 2009 **BY:** Sarah Zorn
 9. **DATE RECEIVED:** December 2, 2009 **60-DAY DEADLINE FOR ACTION:** January 31, 2010
-

- A. **PURPOSE:** Re-establishment of legal nonconforming use as a duplex
- B. **PARCEL SIZE:** 40 ft. (Lafond) X 125 ft. = 5,000 sq. ft. Including one half the alley results in a total lot area for density purposes of 5,300 sq. ft.
- C. **EXISTING LAND USE:** R-Duplex
- D. **SURROUNDING LAND USE:**
 - North: Single family residential (R4)
 - East: Single family residential (R4)
 - South: Single and multifamily residential (RM2)
 - West: Single family residential (R4) and industrial uses (I1)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** There is no zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 11 Council has requested that the public hearing be postponed to allow for neighbors to meet and comment.
- H. **FINDINGS:**
 1. On June 20, 2006, the property was placed on the City's vacant building list. Because the property has been listed as vacant for more than one year, the property can only be used for a conforming use (a single-family home) unless the Planning Commission approves a nonconforming use permit.
 2. According to the County Assessor's records, the property was a duplex in 1928; in 1971 there was no mention of an extra kitchen but an extra bath was noted. The use was listed as conforming until 1975 when the zoning changed from a "B" Residence district to R4 and a duplex was no longer a conforming use. Ramsey County records indicate that the property is a two family dwelling and has been taxed as such. However, there are no records in the Department of Safety and Inspections of building permits or a certificate of occupancy for a duplex, and no code compliance inspection has taken place.

A 2006 rubbish complaint indicated that there were cabinets, metal, pipes, sheetrock and windows on the property. This work was being done without permits and the property owner was ordered to cease renovations until the proper permits were obtained.
 3. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding appears to be met. The applicant has stated

that the property is a duplex and has provided plans showing two units. Deconversion to a single family home would require extensive remodeling.

- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The proposed use as a duplex is the same as the previous use as a duplex.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. According to the applicant this property has been a duplex in the past and its continued use as a duplex will not be detrimental to the existing character of the neighborhood.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Housing Policy Plan supports production of rental housing (Policy 5.3) and the Land Use Plan supports a range of housing types (Objective 5.3). In addition, the District 11 plan supports "the development of alternatives to single-family housing throughout the neighborhood as opportunities arise."
 - (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This condition is met. The petition was found sufficient on December 10, 2009: 19 parcels eligible; 13 parcels required; 13 parcels signed.
4. The Planning Commission has established guidelines for applications for nonconforming use permits for duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:
- A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* This guideline is met. The property is 5,000 square feet with 40 feet of street frontage along Lafond.
 - B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This guideline is met. The applicant has provided floor plans that show 1,504 sq. ft. of gross living area and the units are of a sufficient size.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This guideline is met. There is a garage in the rear of the property with a single garage door. In addition, there is room to park at least one additional vehicle on the parking pad behind the home.
 - D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance.* This guideline is met. The applicant has stated that all remodeling work will take place within the structure.
 - E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This guideline can be met. The applicant will need to work with the Department of Safety

and Inspections regarding the certificate of occupancy and code compliance issues.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of re-establishing legal nonconforming use as a duplex subject to the condition that the applicant obtain a Certificate of Occupancy for two dwelling units.



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File # 09-511754
Fee: 650.00
Tentative Hearing Date:
12-29-09

PD-11

332923120202

APPLICANT

Name Kim Nguyen
Address 700 E. Glen Ave
City Peoria Heights IL Zip 61616 Daytime Phone 612-382-5671
Name of Owner (if different) LONG NGUYEN
Contact Person (if different) KIM NGUYEN Phone 612-382-5671

PROPERTY LOCATION

Address/Location 1784 Lafond Ave
Legal Description Sec 33 Twp 029 Range 023 Forest Lawn
Addition to STPA lot 6 Blk 6 Current Zoning R 4
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)
☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Two Family Dwellings
Proposed Use Two Family Dwellings as built originally

Attach additional sheets if necessary

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#102

Attachments as required ☐ Site Plan

☒ Consent Petition

☒ Affidavit

Applicant's Signature

Kim Nguyen

Date

10/28/09

City Agent

11-2-09

October 28, 2009

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 W 4th Street
St. Paul, MN 55102-1634

To Whom It May Concern:

Attached you will find the Nonconforming Use Permit Application and the notarized Consent of Adjoining Property Owners for a Nonconforming Use Permit (please note that I have this document notarized directly on it), as well as the appropriate filing fee.

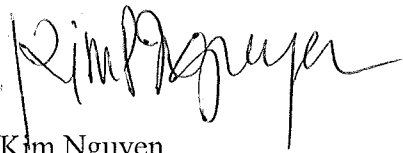
I did not include the site plan, as I do not propose the change the structure of the house. This house was originally constructed as a two family dwelling (up and down.) Each unit has two bedrooms, a bathroom, kitchen, and its own private entry from the front on the bottom unit and the rear on the top unit.

The house has been vacant for a long time, as the result, it was re-zoned to a single family home. We would like to finish repairing this property, and bring the house to code compliance, and move in as soon as possible (I am currently renting). Since it was originally built as a duplex, if we are required to change the structural design of this home to make it to a single family home it would be a major change in the building layout and structure. This will be a significant financial hardship and would considerably increase the time it would require to get it back into condition so it can be lived in.

I recognize that this is a good neighborhood, and would like very much to be a part of it. We would like to proceed with this project as soon as possible. Once this project is complete, it will be a nice addition to the neighborhood. I hope you will grant us the permission to re-establish this property to be a duplex as it was originally designed and constructed.

I am awaiting your decision before I proceed with ordering the code compliance inspection to start the project.

Very sincerely,

A handwritten signature in black ink, appearing to read 'Kim Nguyen', written in a cursive style.

Kim Nguyen

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CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of KIM NGUYEN,
(name of applicant)

to establish a TWO FAMILY DWELLINGS - AS BUILT FROM ORIGINAL
(proposed use)

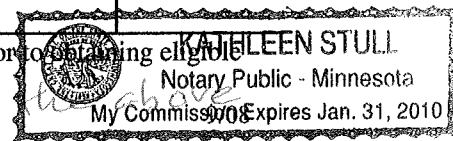
located at 1784 Lafond Ave, St Paul MN 55104,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

	ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1	1786 Lafond	Wayne Howard	Wayne Howard	6-13-09
2	1794 Lafond Ave	Stuart Smith	Stuart Smith	6-13-09
3	1787 Lafond Ave	Douglas + Elysieth Wells		6-13-09
4	1775 Thomas Ave	William + Helen Woodford	Helen J Woodford	6-13-09
5	1777 Thomas	Kate Donnell	Kate Donnell	
10	1791 LAFOND AVE	SLITTS		6-13-09
6	1783 Thomas	HARRET Madnick	HARRET Madnick	6-13-09
7	1787 Thomas	Shawn Disten	Shawn Disten	6-13-09
8	1791 Thomas	Tim S...		6-13-09
9	1790 Lafond	John Langevin	John Langevin	6-13-09
11	1795 Thomas	Janet Campanaro	Janet Campanaro	6-14-09
12				

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.



I, Kim Phuong Pham Nguyen, personally witness signatures at the time of their signing -
Kathleen Stull Kim Phuong Nguyen 10/10/09
Signed Before me this 10th day of Oct 2009.

CITY OF SAINT PAUL

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CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Kim Nguyen,
(name of applicant)

to establish a Two family Dwellings - As Built from Original
(proposed use)

located at 1784 Lafond Ave, St. Paul MN 55104,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1722 Lafond Ave	Craig/Daniel Freeman	<i>C Freeman</i>	11/12/09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

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CITY OF SAINT PAUL

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(name of applicant)

to establish a Two family dwellings - As Built from Original
(proposed use)

located at 1784 Lafond Ave, St. Paul MN 55104,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1771 Thomas Ave	Roberta Valencia	Roberta Valencia	11/19/09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

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CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of KIM NGUYEN,
(name of applicant)

to establish a Two family dwellings - As Built from Original
(proposed use)

located at 1784 Lafond Ave, St. Paul MN 55104,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1787 Thomas Ave			
1787 Thomas Ave	David/Rebecca Cheung	Rebecca A Cheung	11-12-09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Kim Nguyen, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Kim Nguyen
NAME

431 Fillmore St NE, NPLS MN 55413
ADDRESS

612-382-5671
TELEPHONE NUMBER

Subscribed and sworn to before me this
24th day of November, 2009

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[Signature]
NOTARY PUBLIC



CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Kim Nguyen,
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to establish a Two family dwellings - As Built From Original
(proposed use)

located at 1784 Lafond Ave, St. Paul MN 55104,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1780 Lafond Ave	Doris Ng	Doris Ng	11/20/09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 11/2/09

DATE PETITION RESUBMITTED: 12-2-09

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 19

PARCELS ELIGIBLE: 19

PARCELS REQUIRED: 13

PARCELS REQUIRED: 13

PARCELS SIGNED: 8

PARCELS SIGNED: 13

Cath
can
CHECKED BY:

Paul Dubruzel

DATE:

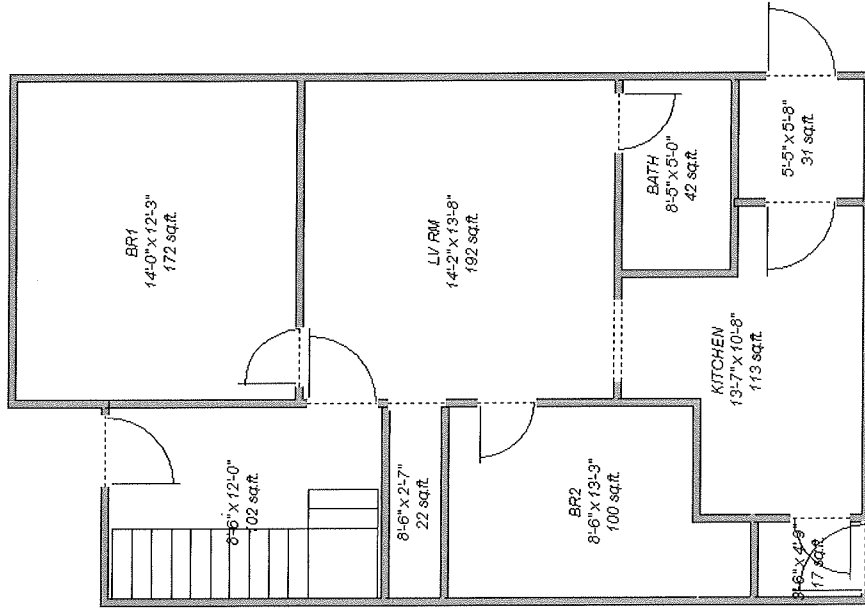
11-3-09

Paul Dubruzel

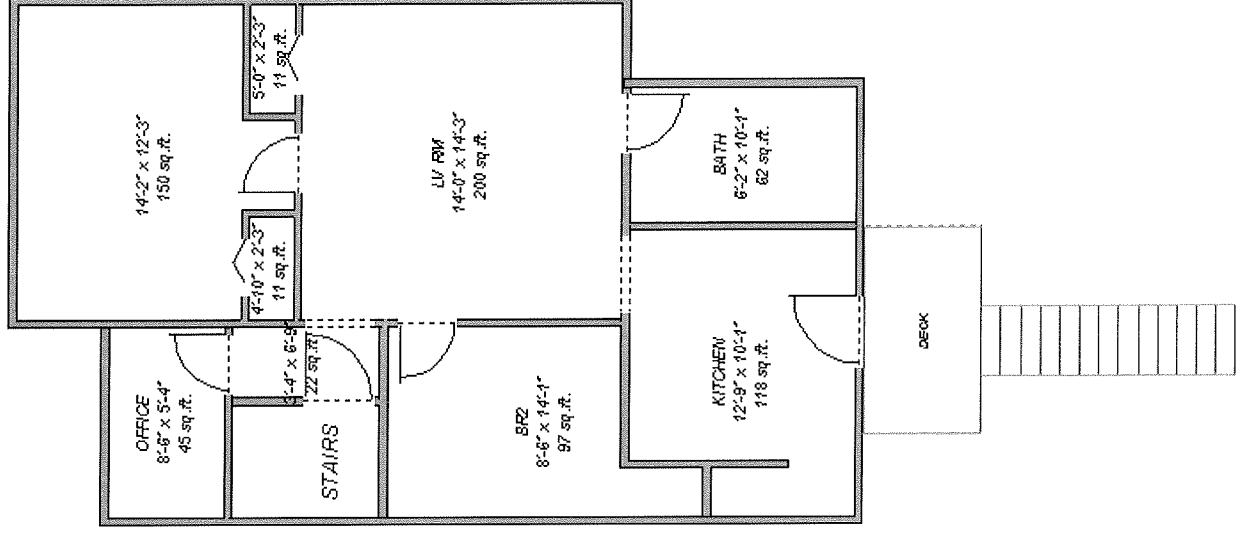
12-10-09

1784 Lafond – Floor plan

UNIT 1 - 1st Floor
789 sq. ft.



UNIT 2 - 2nd Floor
715 sq. ft.



**PRO FORMA INFORMATION SHEET
FOR DUPLEX AND TRIPLEX CONVERSION CASES
Continuation of Extra Units**

Required Information	With Continuation of Extra Units in Structure	With Conversion of Structure to Legal Number of Units
Income		
Total monthly rent income for all units	\$1550	
Monthly income from structure other than rent	0	
Existing vacancy (if any)	5%	
Effective gross income (EGI) / month ¹	\$ 1473	\$ -
Effective Gross Income / year	\$ 17670	\$ -
Operating Expenses (Annual) ²	\$ 7635	\$ -
Maintenance	1023	
Insurance	1302	
Utilities (only include amount paid by landlord)	930	
Other (Identify)	0	
Taxes	4380	
Net Operating Income (Annual) ³	\$ 10,035	\$ -
Monthly debt / mortgage payment	828	
Annual debt payment	\$ 9933	\$ -
Rehab projects		
Total cost of improvements	20,000*	
Monthly rehab debt payment	0	
Annual rehab debt payment	\$ 0	\$ -
Cash Flow: profit, (loss) ⁴	\$ 102	\$ -

NOTE: 1. Effective Gross Income = (Total rent income) - (Vacancy, if there is any)

2. Operating expenses are the sum of the next five lines, incl maintenance, insurance, utilities, taxes and others

3. Net Operating Income = (Effective Gross Income) - (Operating Expenses)

4. Cash Flow = (Net Operating Income) - (Annual debt payment)

* Fund Reserved
No Loan Required.

**SUMMARY INFORMATION SHEET
FOR DUPLEX AND TRIPLEX COVERSION CASES**

Housing unit breakdown:	Existing	Proposed
Number of units	2	
Number of bedrooms in each unit	2	
Unit 1	2	
Unit 2	2	
Unit 3		
Size of each unit in square feet		
Unit 1	789	
Unit 2	715	
Unit 3		
Debt:		
Initial principal amount	126,000	
Initial interest rate	6.875%	
Term of mortgage/debt financing	30 yrs	
Time remaining on note	26 yrs 6 months	
Balance on existing debt	120,989	
Rehabilitation		
Type of improvements:		

The house was built as a duplex with 2 units (up and down) with separate entry (front and back), utilities meters, as well as kitchen and bath in each unit. While I haven't been able to obtain the exact estimate to convert this duplex into a single family home, but I am certain that it will cost a lot more for me to convert this home from a duplex to a single family.

I would like to get the permission to work on bringing this property up to code as a duplex as was originally built.

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Hamline Midway Coalition

DISTRICT 11 COMMUNITY COUNCIL

1564 LAFOND, ST. PAUL MN 55104 • 651.646.1986 • www.hamlinemidwaycoalition.org

#09-511-754
1784 Lafond

December 21, 2009

Sarah Zorn
City of Saint Paul
Department of Planning & Economic Development
1400 City Hall Annex
25 West 4th Street
St. Paul, MN 55102

Subject: 1784 Lafond Avenue - Nonconforming Use Permit

Sarah,

The Hamline Midway Coalition (District Council 11) respectfully requests that the hearing for the nonconforming use permit at 1784 Lafond Avenue be laid over for at least 2 weeks to allow for sufficient community review of this application.

The timing of this application is unfortunate. Local residents have only just learned about this application and the hearing scheduled for December 29. Indeed, due to vacations, we suspect that many local residents are not yet aware of this application. Also, as you are aware, the hearing date falls in between Christmas and New Years, a time when local residents are traveling and unable to attend a public hearing.

Given the significant number of citations by the City of Saint Paul at this property, we believe that this case merits a thorough review by local residents, the District Council, and the City of Saint Paul. Please consider laying this matter over.

Thank you for your consideration.

Sincerely,

Michael Jon Olson
Executive Director

Sarah Zorn - 1784 Lafond Ave.

#09-511-754
1784 Lafond

From: "Edgar Rudberg"
To:
Date: 12/21/2009 11:38 AM
Subject: 1784 Lafond Ave.
CC: "'Michael Jon - HMC'"

Sarah,

I wanted to take a moment to follow up on our conversation about 1784 Lafond Ave. In regards to the historical use of this property as a duplex, you will be or have been contacted by Duane Weiss. He has lived on this block for 30 years and will note that the property has never been a duplex. As per our conversation, I will look forward to your email with a digital copy of their application this afternoon. Please let me know if there are any road blocks with this so that I may address them heads on as soon as possible. Here is a list of my concerns with the property as a duplex:

- 1) The property for the last five years has been vacant and unkept going at least back to 2006 (see complaint dates below taken from the city's website) a time in which Ms. Nguyen has owned the property
- 2) The property has not been a duplex in the past and therefore the application is incorrect
- 3) Our neighborhood is on the precipice of decline due to economics and our neighborhood is fighting against this. This is one of the few remaining derelict properties on our block.
- 4) Rental properties in our neighborhood have tended to attract problems such as narcotics, shootings, burglaries, etc.
- 5) Construction on the property has been done without permit and not to code.
- 6) Should the property become a duplex there is little evidence that the owner will maintain the property safely for the renters as is evidence by previous misbehavior.

Again, I request for the public hearing on this property be pushed back. This is due to the lack of time given to our community to properly meet and prepare comment on this issue. In addition, it is occurring at an unfortunate time between two holidays in which many of our neighbors cannot attend. I look forward to your update on this matter. Please feel free to contact me with any questions (952) 212-6576.

Regards,
Ed Rudberg

Complaint Date: 06/20/2006
Initial Inspection: 06/19/2006
VB Category 2 - Duplex
Next Inspection on or after: 12/11/2009
Inspector: 362

Inspection Results (most recent first):

11/23/2009: Garbage/Rubbish (Unaddressed)
Grass/Weeds (Unaddressed)
Grass/Weeds (Unaddressed)
VB Monitoring (Recheck)

10/27/2009: Garbage/Rubbish (Unaddressed)

Grass/Weeds (Unaddressed)
 Grass/Weeds (Unaddressed)
 VB Monitoring (Recheck)

10/07/2009: Garbage/Rubbish (Unaddressed)
 Grass/Weeds (Unaddressed)
 Grass/Weeds (Unaddressed)
 VB Monitoring (Recheck)

10/07/2009: Garbage/Rubbish (Unaddressed)
 Grass/Weeds (Unaddressed)
 Grass/Weeds (Unaddressed)
 VB Monitoring (Recheck)

09/28/2009: Garbage/Rubbish (Unaddressed)
 Grass/Weeds (Recheck)
 Grass/Weeds (Unaddressed)
 VB Monitoring (Recheck)

08/18/2009: Garbage/Rubbish (Unaddressed)
 Grass/Weeds (Unaddressed)
 VB Monitoring (Recheck)

08/10/2009: Garbage/Rubbish (Work Order)
 Grass/Weeds (Work Order)
 VB Monitoring (Recheck)

06/18/2009: Garbage/Rubbish (Unaddressed)
 Grass/Weeds (Unaddressed)
 VB Monitoring (Recheck)

06/11/2009: Garbage/Rubbish (Work Order)
 Grass/Weeds (Work Order)
 Snow/Ice (Abated)
 VB Monitoring (Recheck)

05/28/2009: Grass/Weeds (Unaddressed)
 Snow/Ice (Unaddressed)
 VB Monitoring (Recheck)

05/20/2009: Grass/Weeds (Summary Abatement)
 Snow/Ice (Unaddressed)
 VB Monitoring (Recheck)

04/13/2009: Snow/Ice (Unaddressed)
 VB Monitoring (Recheck)

03/02/2009: Snow/Ice (Unaddressed)
 VB Monitoring (Recheck)

02/06/2009: Snow/Ice (Work Order)
VB Monitoring (Recheck)

01/26/2009: Snow/Ice (Recheck)
VB Monitoring (Recheck)

11/19/2008: VB Monitoring (Recheck)

08/12/2008: Grass/Weeds (Abated)
VB Monitoring (Recheck)

08/04/2008: Grass/Weeds (Work Order)
VB Monitoring (Recheck)

06/12/2008: Grass/Weeds (Recheck)
VB Monitoring (Recheck)

04/23/2008: VB Monitoring (Recheck)
Boarding/Securing (Abated)

04/17/2008: VB Monitoring (Recheck)

03/12/2008: Snow/Ice (Abated)
VB Monitoring (Recheck)

01/22/2008: VB Monitoring (Summary Abatement)

12/19/2007: VB Monitoring (Recheck)

11/10/2007: Garbage/Rubbish (Abated)
Grass/Weeds (Abated)
VB Monitoring (Recheck)

11/05/2007: Garbage/Rubbish (Work Order)
Grass/Weeds (Unaddressed)
VB Monitoring (Recheck)

11/01/2007: Garbage/Rubbish (Unaddressed-Comply By: 11/02/07)
Grass/Weeds (Work Order)
VB Monitoring (Recheck)

10/25/2007: Garbage/Rubbish (Summary Abatement)
Grass/Weeds (Summary Abatement)
VB Monitoring (Recheck)

09/01/2007: VB Monitoring (Recheck)

08/13/2007: Garbage/Rubbish (Abated)
Grass/Weeds (Abated)
VB Monitoring (Recheck)

08/04/2007: Garbage/Rubbish (Work Order)
Grass/Weeds (Work Order)
VB Monitoring (Recheck)

07/25/2007: Garbage/Rubbish (Summary Abatement)
Grass/Weeds (Summary Abatement)
VB Monitoring (Recheck)

04/18/2007: VB Monitoring (Recheck)

04/10/2007: VB Monitoring (Recheck)

03/14/2007: Snow/Ice (Abated)
VB Monitoring (Recheck)
Boarding/Securing (Abated)

03/04/2007: Snow/Ice (Summary Abatement)
VB Monitoring (Recheck)
Boarding/Securing (Work Order)

02/22/2007: VB Monitoring (Recheck)
Boarding/Securing (Summary Abatement)

11/27/2006: Garbage/Rubbish (Abated)
Grass/Weeds (Abated)
VB Monitoring (Recheck)

11/16/2006: Garbage/Rubbish (Work Order)
Grass/Weeds (Work Order)
VB Monitoring (Recheck)

11/08/2006: Grass/Weeds (Summary Abatement)
VB Monitoring (Recheck)

09/20/2006: VB Monitoring (Recheck)

08/25/2006: Garbage/Rubbish (Abated)
Grass/Weeds (Abated)
VB Monitoring (Recheck)

08/21/2006: Garbage/Rubbish (Unaddressed)
Grass/Weeds (Work Order)
VB Monitoring (Recheck)

08/10/2006: Garbage/Rubbish (Summary Abatement)
Grass/Weeds (Summary Abatement)
VB Monitoring (Recheck)

07/20/2006: VB Monitoring (Recheck)

06/23/2006: Garbage/Rubbish (Abated)
Grass/Weeds (Abated)
VB Monitoring (Recheck)

06/19/2006: Garbage/Rubbish (Summary Abatement)
Grass/Weeds (Summary Abatement)

#09-511-754
1784 Lafond

Sarah Zorn - 1784 Lafond

From: Siri Brown
To:
Date: 12/21/2009 12:24 PM
Subject: 1784 Lafond

Hello,

I live 2 houses away from this home and am unable to come to the hearing at this date, as are many of my block members. We would like for the hearing to be changed as it falls between Christmas and New Years and many people are traveling and would like to have a say in this event.

I would rather that this house not become a duplex because the owners do not really take care of it and they were doing illegal work- this shows me a lack of honesty. Also some of the signatures on the paper seemed forced, as some could barely write...

Thank you for hearing my concern,

-- 1776 Lafond

Siri Brown * [REDACTED]

"We can do no great things, only small things with great love" - Mother Theresa

#09-511-754
1784 Lafond**Sarah Zorn - File #09-511-754 - 1784 Lafond**

From: "Pam & Duane Weiss"
To: "Ed Rudberg" , "Michael Jon - HMC" , "Michael Jon Olson" , , , ,
Date: 12/21/2009 4:45 PM
Subject: File #09-511-754 - 1784 Lafond
CC:

Sarah,

This email is in response to the upcoming hearing for file #09-511-754. We have lived on Lafond for over 30 years and do not recall that residence ever being a visible duplex. Our neighborhood is being over-run with rental property and not all of them have a positive impact. We ask that you accept this email as testimony that we are opposed to the property at 1784 Lafond becoming a duplex of any type, conforming or nonconforming. If you have further questions or if you need additional information feel free to contact us via email or call us at 651-644-8594.

Sincerely,
Duane and Pam Weiss
1763 Lafond Ave, 55104
[REDACTED]

----- Original Message -----

From: Ed Rudberg
To: Michael Jon - HMC ; Michael Jon Olson ; [REDACTED] ; [REDACTED] ; [REDACTED]
Sent: Monday, December 21, 2009 11:36 AM
Subject: update on 1784 Lafond

Folks,

I am sorry to overwhelm your email today. I spoke with Michael Jon at the District requesting his assistance on this. He is contacting Sarah Zorn to request that the hearing be delayed. I have also requested this via phone and via email. I have attached Michael Jon's email to this list. Please contact Sarah Zorn at 651-266-6570 and request that this application be denied and that the hearing be delayed. Please also contact her via email sarah.zorn@ci.stpaul.mn.us and copy Michael Jon (not sure which email is current) on these correspondences so we have written record of this. I spoke with Duane regarding the historical accuracy of this property formerly being a duplex and he stated that it was not. If you have any historical reference on this property not being a duplex, please include that with your correspondence. Thanks so much for all your help with this. Let's keep our block getting better. Please contact me if you have any questions 952-212-6576.

Regards,
Ed

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

#09-511-754
1784 Lafond

From: Kathy & George Allen <[REDACTED]>
To: <sarah.zorn@ci.stpaul.mn.us>
Date: 12/21/2009 4:02 PM
Subject: 1784 Lafond Ave.

We have lived at 1773 Lafond since 1970 and since that time 1784 Lafond has not been a duplex. If you have any questions we can be reached at 651-270-3255.

George & Kathleen Allen
1773 Lafond Ave.
St. Paul, MN 55104

#09-511-754
1784 Lafond

From: Joni Hahn [REDACTED]
To: <sarah.zorn@ci.stpaul.mn.us>
Date: 12/22/2009 8:59 AM
Subject: rezoning of 1784 Lafond

My name is Joni Hahn and I live 1762 Bair. I am on the opposite corner of 1784 Lafond. I did not sign the petition and I know I am within the boundaries needed for signatures I also know of others that did not sign. I am asking you to reschedule the date of zoning hearing. I never received any notice of hearing and I just found out today by a neighbor.

thank you Joni Hahn

To: St. Paul Planning Commission Zoning Committee
Re: File # 09-511-754, Re-establishment of legal
nonconforming use as a duplex (1784 Lafond Ave)

Please record this correspondence as an opposition
opinion/vote to the re-establishment of legal non-
conforming use as a duplex at 1784 Lafond Ave.
I have lived across from said property for 4.5 years at
1779 Lafond. Myself and both of my adjacent neighbors have
expressed concern on the re-establishment of the property to
duplex status. Over the last several years we have seen
a couple of properties become rentals at the expense of neighborhood
parking and safety. The property in question has not been
adequately maintained, be it grass, snow shoveling or ^{the} piling
up of literature/advertisement. There is nothing to indicate
that this record of upkeep would change with a re-establishment
as a duplex, but rather to the contrary.

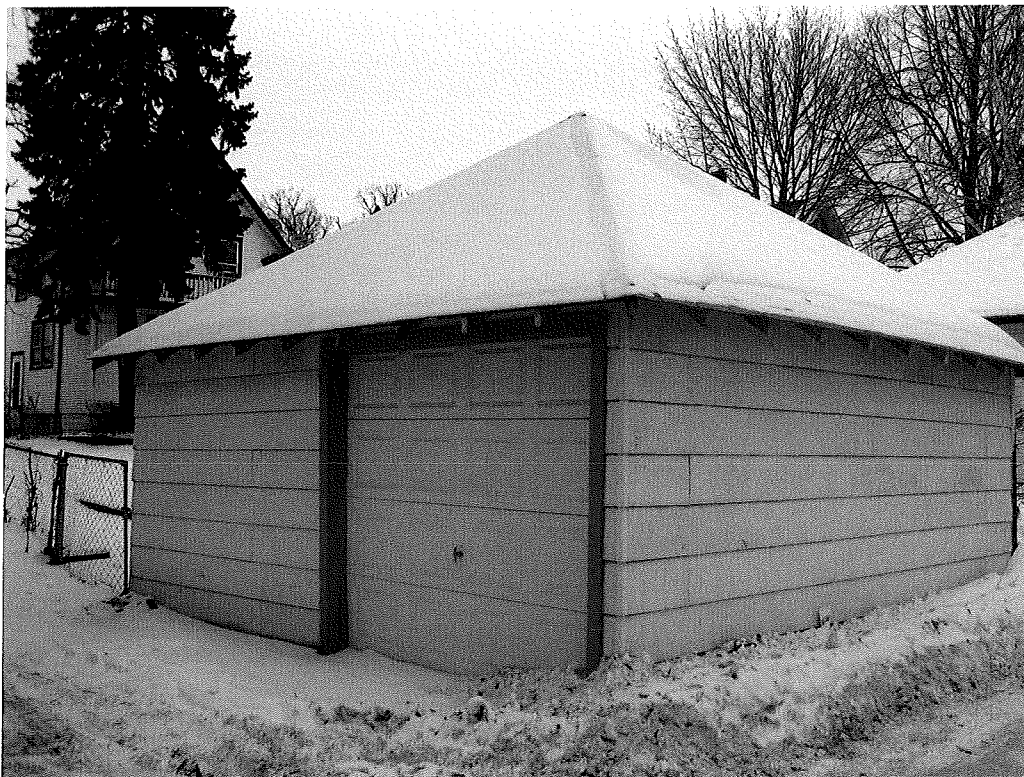
The neighborhood on Lafond, between Fairview and Wheeler
is in transition, and at a critical juncture in its development,
with the turn over and sale ^{of properties} by older residents. There is plenty
of interest in ownership, especially given the economic incentives
for first time buyers and the proposed central-corridor LRT
line. There are already plenty of rental units in the neighborhood;
many of these have issues with upkeep and are classified as "problem properties"



1784 Lafond Avenue



Rear view



1784 Lafond Ave – Garage



Adjacent properties along Lafond Avenue

09-511-754
History

ZONING WORKSHEET

ADDRESS: 1784 Lafond

PIN: 33 29 2312 0202

BUILDING CARD INFORMATION:

CONSTRUCTION DATE: 1970 PERMIT: _____ TYPE OF STRUCTURE: _____

PERMITS

COUNTY ASSESSOR'S RECORDS

LICENSE RECORDS

CITY DIRECTORY

~~B#~~
1928 duplex
1934 -
1943 -
1950 -
1971 - no mention of extra kitchen 2nd fl
just extra bath
1985

1954 - 2 names

1965 1 name

1985 - 1 name

1994 - 1 name

LEGAL DESCRIPTION: Forest Lawn - Lot 6 Blk 6

LOT SIZE: 40 x 125 + 15' alley 5300 sq ft

CROSS STREETS: Wheeler St N

ZONE	USE (C/NC)	UNITS PERMITTED	REQUIRED LOT SIZE	LOT SIZE (C/NC)
X	C			C
1922				
1960				
1964	Bldg	C		C
1975	R4	NC	ROOMS: UNITS:	NC

ZONING STATUS FOR duplex COMMERCIAL USE:

PLANNING:

RESIDENTIAL USE:

ZONING FILE

LEGAL - CONFORMING

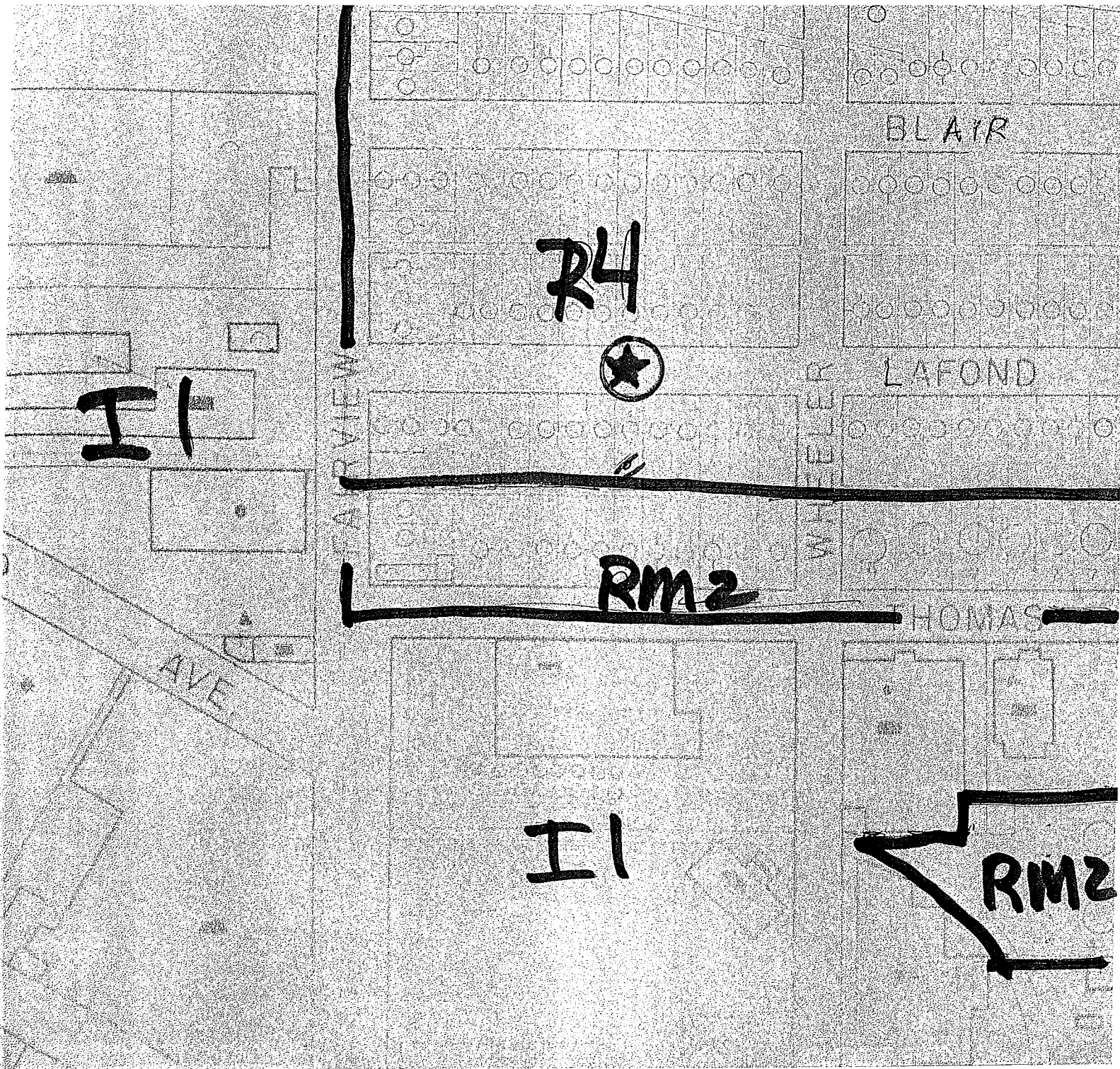
NO RECORD

LEGAL - CONFORMING USE WITH NON-CONFORMING LOT SIZE
(for residential)

LEGAL - NON-CONFORMING USE

ILLEGAL

Zach 12/2009



APPLICANT Kim Nguyen
 PURPOSE RE-EST NCUP
 FILE # 09-511625 DATE 12-10-09
 PLNG. DIST. 11 MAP # 10

SCALE 1" = 400'



LEGEND

zoning district boundary

subject property

○ one family

⊙ two family

⊙ multiple family

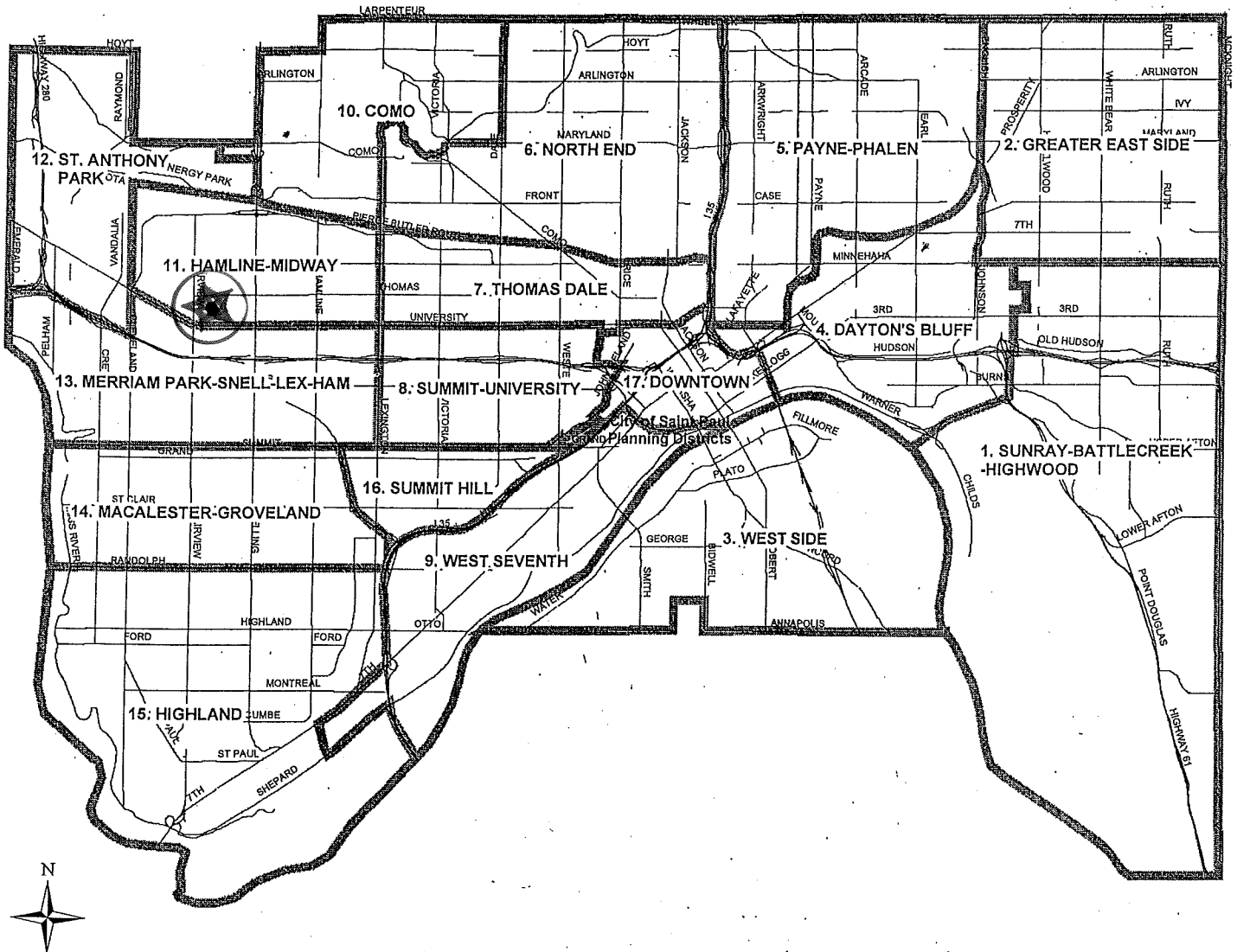


• ▲ ◡ commercial

◆ industrial

V vacant

CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-511754

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Walgreens / Big Top Midway Center **FILE #** 09-423-996
 2. **APPLICANT:** Afton Architects **HEARING DATE:** December 29, 2009
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1460 University Ave W, SE corner Snelling at Shields
 5. **PIN & LEGAL DESCRIPTION:** 342923320007, MIDWAY SHOPPING CENTER LOT 4 BLK 1
 6. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** B2
 7. **ZONING CODE REFERENCE:** § 65.513; §61.501
 8. **STAFF REPORT DATE:** December 16, 2009 **BY:** Sarah Zorn
 9. **DATE RECEIVED:** December 4, 2009 **60-DAY DEADLINE FOR ACTION:** February 2, 2010
-

- A. **PURPOSE:** Conditional Use Permit for drive through sales and service for a pharmacy
- B. **PARCEL SIZE:** Irregular parcel; approximately 1,240 ft. (University) X 705 ft. (Snelling) = 775,268 sq. ft. The area of disturbance is approximately 290 ft. (parallel to University) X 243 ft. (Snelling) = 70,470 sq. ft.
- C. **EXISTING LAND USE:** C-Retail-Multi-Use Center
- D. **SURROUNDING LAND USE:**
 - North: General Business - Bank (B3)
 - East: Midway Shopping Center (B2)
 - South: Vacant Light Industrial (I1) and Vacant Community Business (B2)
 - West: Retail and Office uses (B3), (PD)
- E. **ZONING CODE CITATION:** §65.513 lists standards and conditions for drive-through sales and services; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** In 1992, a sign variance was granted contingent upon the development of a portion of the parcel; the area was never developed and the variance expired. In 2006 a 129 square foot sign variance was granted (BZ#06-277-209). A conditional use permit for drive-through sales and service was approved on September 7, 2007 (ZF#07-099-246); the use was not established within the two year time period following the approval and the applicant did not request an extension.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 13 Council had not commented at the time this report was prepared.
- H. **FINDINGS:**
 1. The conditional use permit for drive-through sales and service that was approved in 2007 has now expired so the applicant must return to the Planning Commission for a new permit.
 2. The City Council adopted the Central Corridor Interim Overlay Ordinance on August 8, 2007 (CF#07-548). It specifically exempts the Walgreens and Big Top from the requirements so long as the owner agrees to construct a second story on the new Walgreens building. The ordinance states that the project is permitted to take advantage of the reduced parking standards of the overlay district.
 3. The applicant proposes to tear down an existing 30,000 square foot building and construct two separate structures to house two major tenants of the Midway Shopping area: Walgreens and Big Top Liquors. The proposed development has not changed in any significant way from the application approved by the Planning Commission in 2007. The Walgreens store will provide 24-hour drive-through pharmacy service to better accommodate customers by means of a single drive-through window located between the two stores. The applicant is therefore seeking a conditional use permit.
 4. On December 9, 2009, the City Council approved a negotiated agreement with RK Midway (see attached *Midway Center Redevelopment Contract*).

5. §65.513 lists four standards for drive-through sales and services and one additional condition that regulates drive-throughs in the in the Interim Overlay District (as in TN2):
 - (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is met. The drive-through lane will be located on the eastern side of the Walgreens building and is not adjacent to the public street. The nearest residentially-zoned property is greater than sixty (60) feet from the proposed drive-through.
 - (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* This condition is met. Ingress and egress points are greater than sixty (60) feet from the intersection of Snelling Avenue and the proposed Midway Drive. There is no residentially zoned property abutting this site.
 - (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* There is no abutting residential property so this condition does not apply.
 - (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This property does not adjoin any residential property, therefore this condition does not apply.
 - (e) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* This condition is met. Under the Interim Overlay ordinance, the drive-through is subject to TN2 district standards. The applicant is proposing one drive-through lane and one service window for the Walgreens store.
6. §61.501 lists five standards that all conditional uses must satisfy:
 - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. Although the scale of development is less dense than that envisioned in the adopted Central Corridor Development Strategy, the drive-through is a permitted use in the B2 district and under the Interim Overlay ordinance. Objective 6.7, "Freeway Development Sites" in the Land Use chapter of the Comprehensive Plan includes policy 6.7.2, which states, "Regional shopping centers are continuing to develop along I-94 around SunRay and in the Midway between Snelling and Lexington. These are the two strongest retail locations in the city for capturing the trade of large residential populations and east-west commuters. The City will be supportive of these two centers and help them hold Saint Paul's share in the marketplace."
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Ingress and egress points are located off of proposed Midway Drive and on-site respectively. This configuration will not directly contribute to traffic congestion on Snelling Avenue.
 - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The addition of a drive-through window in this area will not be detrimental to the existing character of the Midway Shopping Center area. The applicant has stated that all recycling and compaction will take place inside the building to enhance exterior aesthetics.
 - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will have no effect on development or improvement of surrounding properties as currently

permitted.

(5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The pharmacy is a permitted use in the B2 Community Business zoning classification, and the drive-through is permitted with a conditional use permit.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for drive through sales and service for a pharmacy.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File #

Fee:

Tentative Hearing Date:

12-29-09

PD=13

342923320006

APPLICANT

Name JAMES W. COX AFTON ARCHITECTS, LTD.
Address 12941 22nd ST. S.
City AFTON St. MN Zip 55001 Daytime Phone 651 436 3699
Name of Owner (if different) RK MIDWAY LLC
Contact Person (if different) RICK BIRDOFF Phone 212 265 6600

**PROPERTY
LOCATION**

Address / Location 1532 UNIVERSITY AVE, ST. PAUL, MN. 55104
Legal Description _____
Current Zoning B2
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 65, Section 513, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

SEE ATTACHMENTS

☐ Required site plan is attached

Applicant's Signature James W. Cox Date 12.4.09 City Agent Reed 12-4-09
Rhina

December 04, 2009

Patricia James, Principal City Planner
Department of Planning and Economic Development
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102

Re: Midway Shopping Center
Conditional Use Permit

Dear Ms. James:

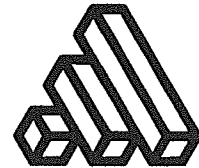
Enclosed please find an Application, including the required filing fee, Site Plan and Supporting Information, for reissuance of a Conditional Use Permit (CUP) for a single drive-thru lane to be part of the future proposed Walgreens store.

Reissuance of the CUP is needed due the unprecedented economic conditions that prevented us from acting sooner on the Walgreens project. Things are getting better, and my client is confident that he will be able to secure financing in 2010 and move forward with this redevelopment. Reissuance of the CUP is key to the success of the project. Background information is provided below:

1. The Conditional Use Permit requested is identical to the CUP approved by the St. Paul Planning Commission on September 7, 2007 as is the Supporting Information provided by the applicant. (See attached CUP Supporting Information and Attachment). The drive-thru is an essential condition of the Walgreens lease and is necessary to allow the Walgreens/Big Top development project to proceed
2. The drive-thru, as previously approved and as reflected on the approved final Walgreens/Big Top Site Plan, complies with all City ordinances, including the Central Corridor Overlay District, Article VII, 67.700, adopted on April 16, 2008. (See attached Approved Site Plan).
3. The request for reissuance of the CUP results, in part, from confusion over the expiration date of the prior CUP. The Walgreens/Big Top Site Plan was appealed to the City Council and approved on November 21, 2007 with conditions. (See attached November 21, 2007 City Resolution). City staff were unsure whether the CUP was extended along with the Site Plan as a result of this appeal, or whether it had to be separately renewed. The City Attorney told the owner in mid-November that the CUP needs to be separately renewed or reissued by the Planning Commission
4. The final Walgreens/Big Top Site Plan has been approved by City staff, meeting the various conditions required by the City Council. Building permits were approved prior to the expiration of the Site Plan, with the understanding that the owner would ask the Planning Commission to reissue the Conditional Use Permit. (See attached November 23, 2009

**Afton Architects
&
Planners, Ltd.**

- Architecture
 - Interior Design
 - Planning
 - Construction Management
-



Afton Architects & Planners, Ltd.
12941 22ND Street South
Afton, Minnesota 55001
Phone: 651-436-3699
Fax: 651-436-1936
Email: aftonarchitects@msn.com

letter from T. Beach to J. Cox and November 20, 2009 letter from R. Birdoff to T. Beach).

5. The City and the owner have also reached an agreement to support development of the Walgreens/Big Top project and provide the City an easement to facilitate redevelopment of the vacant bus garage site to the south of the Midway Shopping Center. Renewal of the CUP is a critical part of this Agreement and will serve the interests of all parties, including the City's interest in enhancing the development potential for the bus garage site.

Please do not hesitate to contact me if you have any questions regarding this application.

Sincerely,



James W. Cox, AIA
Afton Architects & Planners, Ltd.

JWC/cnd

- Attachments:
- CUP Application
 - CUP Supporting Information (Identical to June 13, 2007)
 - CUP Attachment (Identical to June 13, 2007)
 - Approved Walgreens/Big Top Site Plan (November 23, 2009)
 - November 21, 2007 City Council Resolution Approving Site Plan
 - November 23, 2009 letter from T. Beach
 - November 20, 2009 letter from R. Birdoff

Conditional Use Permit Application
Midway Shopping Center
Supporting Information

As we continue to upgrade the Midway Shopping Center and meet the needs of our tenants, we propose the following:

1. Demolish the existing aging 30,000 sf. retail building along Snelling Avenue.
2. Replace it with two (2) buildings – a Walgreens drug store adjacent to Snelling Avenue and a Big Top liquor store next door to the east. The Walgreens drug store will include a single drive-through window between the two stores for convenient pick-up of prescription drug products. The drive-through requires a conditional use permit in a B2 zone.

The proposed site plan includes design improvements, which are consistent with the City's Central Corridor Task Force planning efforts:

- The site plan improves pedestrian amenities along Snelling Avenue. Existing conditions include 9.5 feet of concrete walk. The proposed site plan will include 9.5 feet of boulevard, 8 feet of sidewalk and an additional 7 feet of landscaped area between the sidewalk and the Walgreens Building.
- The Walgreens store will be constructed with a high level of amenities along Snelling Avenue, similar in design to the new Walgreens at the corner of Snelling and Randolph in St. Paul. Windows will be provided wherever possible on building elevations and the entrance will be placed at a diagonal on the northwest corner to conveniently serve pedestrians and transit users from Snelling as well as customers parking north of the store. Interior compaction and recycling will be done inside Walgreens to enhance exterior aesthetics.
- The site plan will improve connectivity throughout the Midway Shopping Center by replacing parking between the Big Top and the Rainbow with lanes for automobile traffic and pedestrian connections. This site plan will permit either four lanes for vehicles or three lanes for vehicles and a sidewalk and boulevard for pedestrians.
- The proposed site plan will permit Walgreens to keep a store in the Midway area, improve building design for both Walgreens and Big Top and reduce the degree to which the Midway Shopping Center layout differs from the design vision of the City Central Corridor planning process.
- The proposed site plan provides for additional setbacks to accommodate future City traffic options suggested in the Snelling Avenue Capacity Study. The plan includes a 15-foot setback from our property line along Snelling Avenue to permit widening of the Avenue in order to revise traffic flows.

Note: This is the same Supporting Information submitted in June 2007 and approved September 7, 2007 by Planning Commission Resolution, file # 07-1095

Conditional Use Permit Application
Midway Shopping Center
Attachment

The proposed single drive-through lane is consistent with the provisions of the Saint Paul Zoning Code and the planning considerations under discussion for the City's proposed Central Corridor Interim Zoning Ordinance.

- a. The proposed drive-through is needed to accommodate store patrons, including seniors and persons with special needs, who desire easy and safe access to prescription drug pick-up on a 24-hour basis. This layout is a proven convenience for the community and an appropriate layout for this shopping center.
- b. The proposed drive-through is located at the side of the Walgreens store, between the Walgreens and the Big Top building. It is not near any residential property.
- c. Points of vehicular ingress and egress are located more than sixty (60) feet from the intersection of any two streets. This site is approximately one (1) block away from any residential property.
- d. Speaker box sounds will not be audible to any residential properties.
- e. There are no abutting neighborhood residential properties; thus a planter/fence buffer is not required.
- f. Only one (1) drive-through lane with a service window is requested.

Note: This is the same Supporting Information submitted in June 2007 and approved September 7, 2007 by Planning Commission Resolution, file # 07-1095

Sarah Zorn - Re: Reminder: Next Steering Committee is Wednesday, Dec. 16

From: Debbie Meister
To: Sarah Zorn
Date: 12/21/2009 1:58 PM
Subject: Re: Reminder: Next Steering Committee is Wednesday, Dec. 16

Hi Sarah,

Perhaps Christina let you know that I called in opposition to the CUP for Walgreens on Snelling and University. I was extremely disappointed to see staff recommended support of the CUP. This is the type of development that works against the success of the Light Rail Corridor and an example of the concerns I raised at the Stations Committee meeting last week. This CUP, variances and other CUPs that do not enhance density, TOD, etc. are undermining the nearly \$1 billion in tax payer investment.

The Union Park Land Use Committee was also concerned about this proposed CUP and voted strongly and unanimously to oppose this. I have been making calls to the City Council and Planning Commissioners.

I am also reconsidering my participation on the Stations Committee. Why bother when the City Comp Plan and the success of the Light Rail Corridor is being undermined at every turn.

With much disappointment,

Debbie Meister

Midway Center Redevelopment Contract

The Redevelopment Contract between the HRA and Rein/RK Midway provided funding for pollution clean up which is completed and allowed Midway MarketPlace to be built. The Contract required a \$673,482 penalty if \$4.5M of site improvements were not completed by June 1, 2002. The Contract was amended on three occasions and the last or third amendment extended the completion date to June 29, 2009 on the home improvement site. The purpose of the penalty was to provide the City leverage in the redevelopment of the site.

The site plan approval for a home improvement store was administratively extended to June 29, 2010. RK Midway has cited difficult market conditions and requested a fourth extension of the Redevelopment Contract to align with the site plan approval extension.

In an effort to address neighborhood concerns about a joint development of the RK Midway site and the Met Council Bus Barn site, staff granted a one year extension with the following conditions:

The developer provides:

- 1) A 33-foot wide easement to the bus barn site through the middle of the Home Depot (back parcel) from Pascal. This easement will run to the city so the bus barn property value is not enhanced until the City decides to allow the owner/developer of the bus barn site to use the easement. This allows the CITY to have a huge say in what is developed because the bus barn parcel is basically land locked for significant development without the easement.
- 2) Provide a substitute right which allows the city to exchange the above easement to one that would run the length of the Midway Center from Pascal to Snelling should the terms of the existing mortgage on the Shopping Center not prohibit the granting of the substitute easement. (the current financing on the Shopping Center does not allow any easements to be extended though the property and lenders are basically not approving anything in the current lending environment).
- 3) Provide a triangular easement to the city off of St Anthony (frontage road) that would provide shared access with both the back parcel and bus barn parcel. This is very important for traffic (public works) and MnDot. Again this easement will run to the city so the bus barn property value is not enhanced until the city decides to grant the owner/developer of the bus barn site use of this easement. It is a public safety issue for the frontage road.
- 4) Provide an option for purchase of the back lot to the city for five years. That is so they could not hold out (like the bus barn site is today) to put a larger development in. The City could exercise the option in anticipation of leasing or selling it to the potential bus barn developer.
- 5) If the city obtains the substitute easement described in section 2 above, developer agrees not block or unreasonably impede (unless a traffic issue determined by our traffic engineer or insurance issues) access from the easement through Midway Center property and connection to the Spruce Tree Drive signal lights on Snelling, (this would provide a left in/ right out at Snelling from the bus barn property and access to Spruce Tree Drive through the Center to the signalized intersection).

City provides:

- 1) Extension of the Walgreens approved site plan for a period of one year to November 21, 2010.
- 2) Support the application for a new CUP (the old one expired) which needs to be submitted in within 45 days.
- 3) Rescind all default notices and waive the development penalty on the back lot only when the easements are delivered to the city.
- 4) Provide funding for public improvements for eligible public infrastructure up to \$200,000 in the Walgreens project area (basically sidewalks and a good connection to the Snelling station).

The agreement was executed by the developer on November 23, 2009.

PROS:

- The City/HRA will continue to be a major player in the future development of both sites.
- City/HRA easement enhances developer interest in the property due to assured access to the Bus Barn site enabling higher density.
- Public Safety is improved.
- Higher density results in increased tax base and jobs on the Bus Barn site which is consistent with the Snelling Station Area Plan for Central Corridor
- Shared access to both sites uses land efficiently by sharing roads and sidewalks
- The easement has monetary value to the HRA as leverage for future development
- The easement 'buys time' for RK Midway to complete improvements
- The easement binds future owners because it runs with the land
- RK Midway Development Agreement and developer rights to the Bus Barn site are extinguished

CONS:

- City/HRA does not collect the \$673,482 penalty.

city of saint paul
planning commission resolution
file number _____ 07-61
date _____ September 7, 2007

History
#07-099-246

WHEREAS, Afton Architects Ltd, File # 07-099-246, has applied for a Conditional Use Permit for drive through sales and service under the provisions of §65.513 of the Saint Paul Legislative Code, on property located at 1460 University Ave W, Parcel Identification Number (PIN) 342923320007, legally described as MIDWAY SHOPPING CENTER LOT 4 BLK 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 5, 2007, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

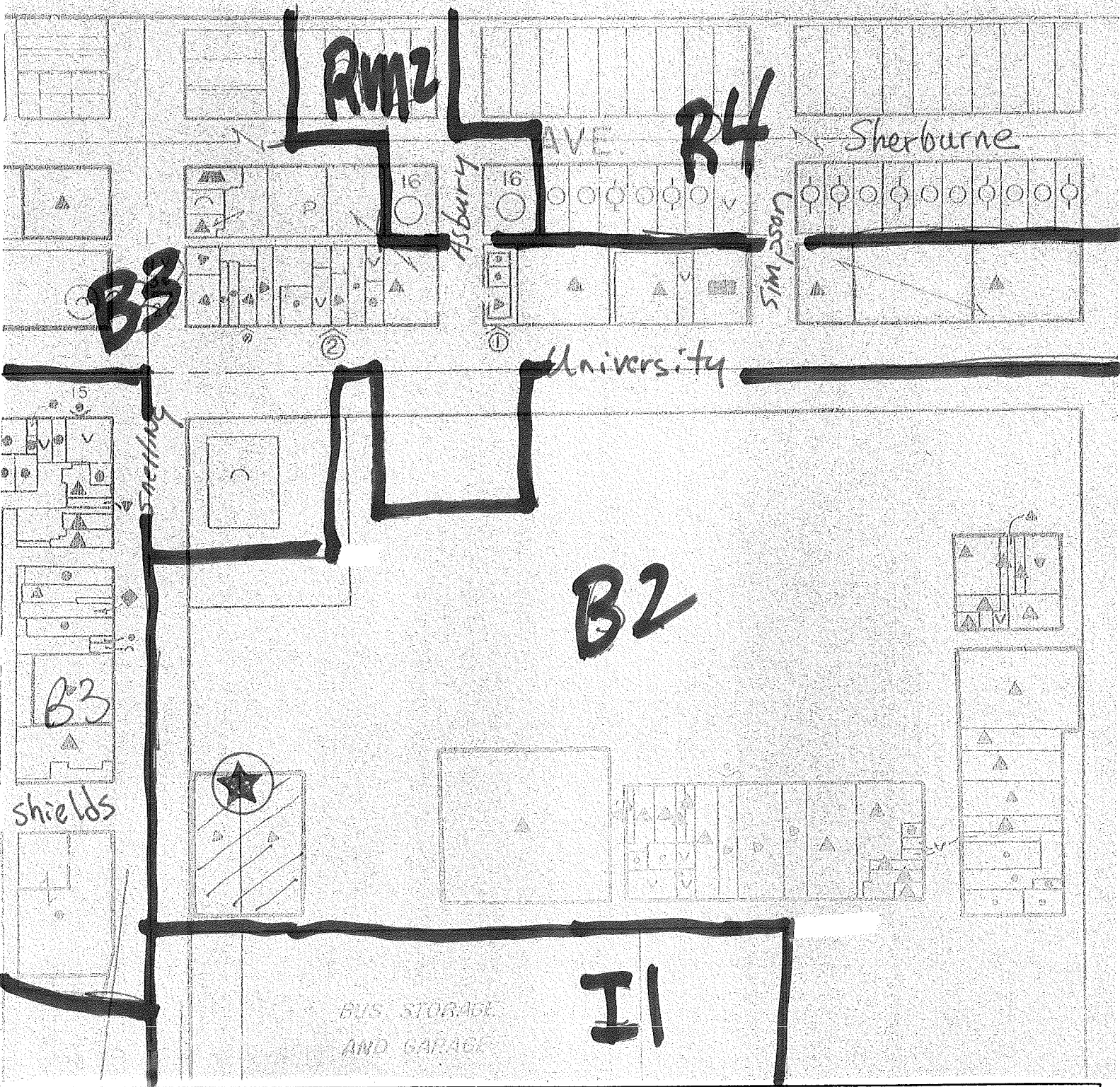
1. The applicant proposes to tear down an existing 30,000 square foot building and construct two separate structures to house two major tenants of the Midway Shopping area: Walgreens and Big Top Liquors. According to the applicant, the Walgreens store will include a single drive-through window located between the two stores for convenient prescription drug pick-up and is therefore seeking a conditional use permit.
2. Walgreens will provide 24-hour drive-through pharmacy service to better accommodate customers. According to the applicant, the main entrance will be located at a diagonal on the northwest corner of the building to conveniently serve pedestrian and transit users from Snelling Avenue as well as customers arriving by car and parking on the north side of the building.
- 3 §65.513 lists five standards for drive-through sales and services:
 - (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is met. The drive-through lane will be located on the eastern side of the Walgreens building and is not adjacent to the public street. The nearest residentially-zoned property is greater than sixty (60) feet from the proposed drive-through.
 - (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* This condition is met. Ingress and egress points are greater than sixty (60) feet from the intersection of Snelling Avenue and the proposed Midway Drive. There is no residentially zoned property abutting this site.
 - (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* There is no abutting residential property so this condition does not apply.

moved by _____ Kramer
seconded by _____
in favor _____ Unanimous
against _____

- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. This property does not adjoin any residential property, therefore this condition does not apply.*
 - (e) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes. This condition is met. Under the Interim Overlay ordinance, the drive-through is subject to TN2 district standards. The applicant is proposing one drive-through lane and one service window for the Walgreens store.*
4. §61.501 lists five standards that all conditional uses must satisfy:
- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. Although the scale of development is inconsistent with the proposed Central Corridor Development Strategy, the drive-through is a permitted use in the B2 district and under the proposed Interim Overlay ordinance. Objective 6.7, "Freeway Development Sites" in the Land Use chapter of the Comprehensive Plan includes policy 6.7.2, which states, "Regional shopping centers are continuing to develop along I-94 around SunRay and in the Midway between Snelling and Lexington. These are the two strongest retail locations in the city for capturing the trade of large residential populations and east-west commuters. The City will be supportive of these two centers and help them hold Saint Paul's share in the marketplace."*
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Ingress and egress points are located off of proposed Midway Drive and on-site respectively. This configuration will not directly contribute to traffic congestion on Snelling Avenue.*
 - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The addition of a drive-through window in this area will not be detrimental to the existing character of the Midway Shopping Center area. The applicant has stated that all recycling and compaction will take place inside the building to enhance exterior aesthetics.*
 - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The use will have no effect on development or improvement of surrounding properties as currently permitted.*
 - (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The pharmacy and drug store are permitted uses within the B2 Community Business zoning classification and the drive-through is permitted with a conditional use permit.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Afton Architects Ltd for a Conditional Use Permit for drive through sales and service at 1460 University Ave W is hereby approved.





APPLICANT JAMES COX
 PURPOSE Cond. Final USE Permit
 FILE # 09-423996 DATE 12-8-09
 PLNG. DIST. 13 MAP # 18
 SCALE 1" = 400'

LEGEND

zoning district boundary

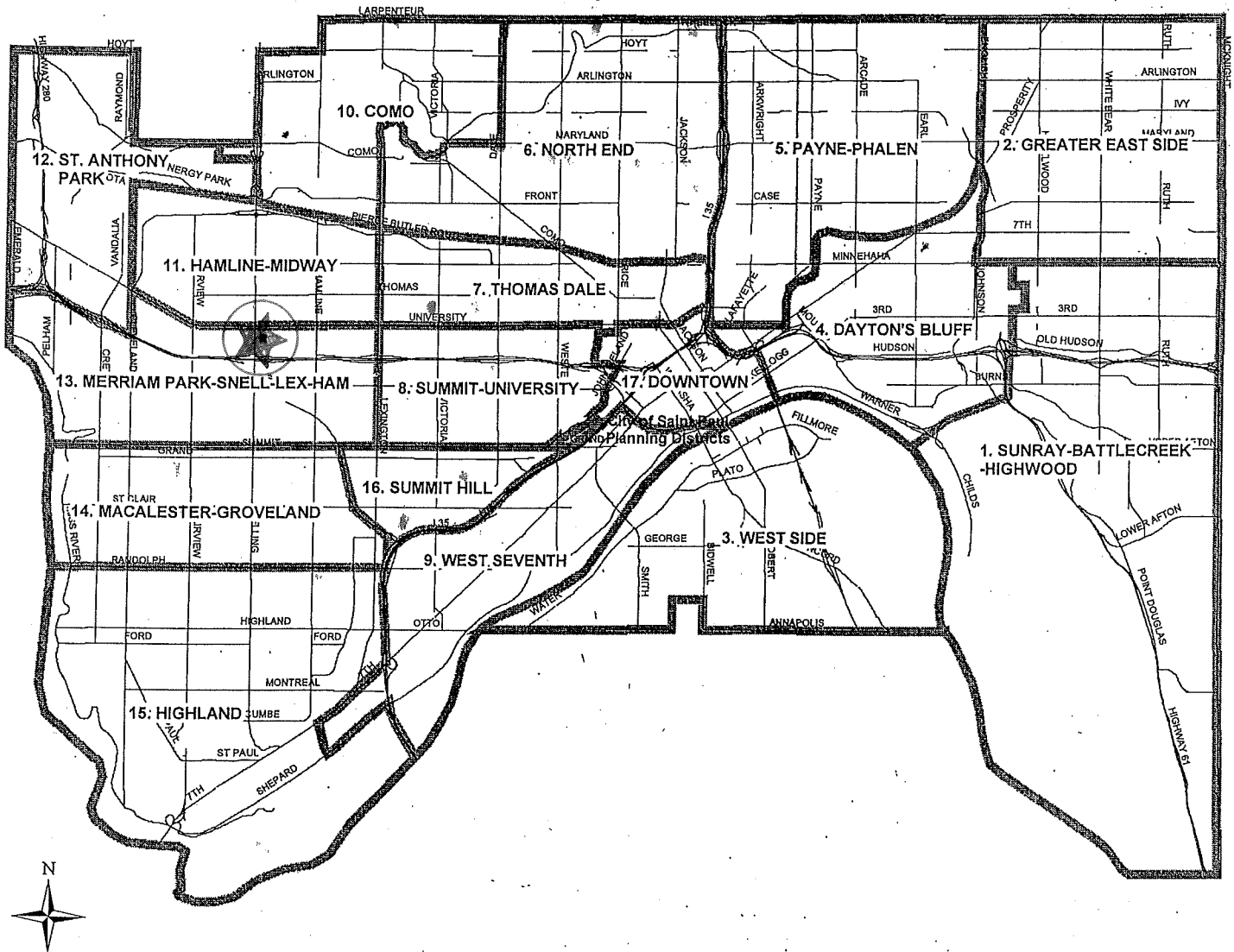
subject property

○ one family
 ⊕ two family
 ⊕ ⊕ multiple family

commercial
 industrial
 V vacant
 north



CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK. - LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-423996